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Human rights and unilateral coercive measures

Report of the Secretary-General

CONTENTS

Page

Introduction 2

REPLIES RECEIVED FROM GOVERNMENTS

Argentina 3

Colombia 3

Guatemala 4

Tunisia 5

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Introduction

1. The present report is submitted pursuant to paragraph 11 (b) of Commission on Human Rights resolution 2001/26 in which the Commission requested the Secretary-General to bring the resolution to the attention of all member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission at its fifty-eighth session.

2. In accordance with paragraph 11 (b) of the resolution, the Secretary-General, in a note verbale dated 22 August 2001, invited member States to transmit information relevant to the subject matter. As of 15 November 2001, replies had been received from the Governments of Argentina, Colombia, Guatemala and Tunisia. These replies are summarized or reproduced below. Any additional replies received will be submitted in an addendum to the present report.

REPLIES RECEIVED FROM GOVERNMENTS

Argentina

[Original: Spanish]
[20 September 2001]

1. The Argentine Republic, in a spirit of promotion and protection of human rights, voted in favour of General Assembly resolution 55/6 on the elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion, in which the Assembly expressed "its deep concern at the negative impact of unilaterally imposed extraterritorial coercive economic measures on trade and financial and economic cooperation, including at the regional level, because they are contrary to the recognized principles of international law and pose serious obstacles to the freedom of trade and the free flow of capital at the regional and international levels".

2. In September 1997, the Government promulgated Act No. 24,871. Under this Act, foreign legislation which is aimed, directly or indirectly, at restricting or impeding the free flow of trade and the movement of capital, goods or persons to the detriment of a given country or group of countries shall neither be applicable nor have legal effects of any kind within the national territory.

3. Furthermore, in accordance with article 1 of the aforesaid Act, foreign legislation which seeks to have extraterritorial legal effects through the imposition of an economic embargo or limits on investment in a given country in order to elicit a change in the form of government of a country or affect its right to self-determination shall also be utterly inapplicable and devoid of legal effect.

Colombia

[Original: Spanish]
[15 November 2001]

1. The Government of Colombia endorses the above-mentioned resolution and considers the imposition of unilateral coercive measures inadmissible. Trade matters should be discussed in the multilateral forums established for that purpose, notably the World Trade Organization (WTO), and not unilaterally.

2. At the sixth Ministerial Meeting of the Free Trade Area of the Americas (FTAA), held in Buenos Aires in April 2001, Ministers of Trade underlined the importance of trade liberalization at both the global and the regional levels, and reaffirmed their commitment to avoid, as far as possible, adopting policies or measures that may adversely affect regional trade and investment or imposing further trade barriers on countries outside the hemisphere.

3. They also recognized that issues not directly related to trade, such as internationally recognized labour rights and the protection of the environment, should not be utilized as conditionalities or be subject to regimes which may, in the event of non-compliance, entail trade restrictions or sanctions.

4. It is important for the question of human rights to be approached in a spirit of international cooperation and therefore of genuine social and economic change that will make it possible to improve peoples' living conditions.

Guatemala

[Original: Spanish]
[24 September 2001]

1. The State of Guatemala seeks to guarantee respect for the dignity and basic rights of the people of Guatemala and other countries by introducing administrative measures to promote the development of women's and men's full potential.

2. Any measures that the Government may have put in place in respect of economic, social and cultural policy have therefore been taken in accordance with the principle of the right of peoples to self-determination.

Internal situation

3. Guatemala's current economic policy is geared towards stabilization and the re-establishment of macroeconomic equilibrium and aims to nurture economic recovery and sustainable growth based on the promotion of the full development of human potential.

4. The opening up of Guatemala's economy to the process of globalization requires a well-defined foreign trade policy and this has led to a series of negotiations on free trade agreements, the most important of them culminating in the signing and ratification of a free trade agreement with Mexico. Negotiations are also under way with other Latin American countries, which, it is hoped, will lead to the establishment of a Free Trade Area of the Americas.

Guatemala's position on unilateral coercive measures

5. The State of Guatemala considers that international relations among countries are of great importance. In terms of economic and technical development and international trade, issues such as poverty-reduction strategies and peaceful coexistence within the globalization process are therefore major priorities for all countries and, in particular, for the more disadvantaged among them.

6. The State of Guatemala considers that, as the resolution under consideration states, unilateral coercive measures are a clear violation of the right to individual and collective human development and that States' economic, social and cultural policies should therefore be formulated in accordance with the principle of the common good.

7. The State of Guatemala considers that States, having due regard for the fundamental rights of peoples, should reject any measure, whether unilateral or otherwise, that affects the full development of individual or collective human potential.

8. The State of Guatemala endorses in particular the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of the human rights set forth in the Universal Declaration of Human Rights and international human rights instruments, in particular the right of everyone to an adequate standard of living. The State of Guatemala therefore rejects the use of political or economic pressure against any country, particularly developing countries, because of the negative effects on the realization of all human rights of vast sectors of their populations, inter alia, children, women, the elderly, disabled and ill people.

Tunisia

[Original: French]
[19 October 2001]

1. Tunisia is a signatory to several international human rights instruments and, in accordance with its commitment to the principles of international law and the values enshrined in the Charter of the United Nations, has never adopted or applied measures inconsistent with those principles and values.

2. As regards trade law, Tunisia's current legislation contains no provision for the application of unilateral coercive measures or of measures with extraterritorial effect.